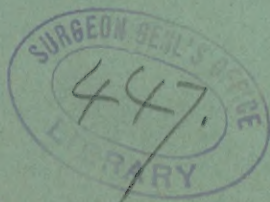


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“PROFESSIONAL ATMOSPHERE AND MORALS; OR, PATENTS AND
SECRETS VS. A LIBERAL PROFESSION.”

A REPLY

BY JOHN J. R. PATRICK, D. D. S., BELLEVILLE, ILL.



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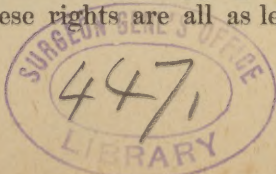
BY JOHN J. R. PATRICK, D.D.S., BELLEVILLE, ILL.

At a late meeting of the Odontological Society, of New York, Dr. Horatio C. Meriam, of the Harvard College of Dental Surgery, read a paper on "Dental Ethics," in which he assumed that the dental profession was below the standard required by the medical profession; that the dental profession has fallen into the hands of men who seek to prostitute the profession to their own selfish ends.

Dr. Meriam throws his accusations in a mass at the great body of the profession, without discrimination. Had Dr. Meriam stood alone in making these charges, they might have been disregarded and left to the hand of time for correction; but in order to give them additional weight, he invokes the aid of a poet, a few professors of medicine, an ecclesiastic, two philosophers, a few lawyers, and several respected members of the dental profession.

Had the gentlemen whom Dr. Meriam called to his aid fully understood the character and import of his essay, it is fair to presume they would not have lent their names to such a mass of ill-advised censures. The utterances of Dr. Meriam have gained an astounding and disproportionate echo as they now stand before the public, connected as he is with a time-honored institution of learning. I propose to examine a few of his statements with a view of finding out how far he is entitled to the position of censor over the inventive talent of the dental profession.

There are many abuses connected with the management of patent-rights that are used by the dental profession, which are more glaring than those connected with copyrights, trade marks, or property-rights; but these rights are all as legal and as just



as a diploma. They are simply an authorization to an individual to perform and dispense benefits to his fellow man, and when any of these legal rights are used as instruments of oppression, they should be met intelligently, promptly, and with unanimity ; but to make indiscriminate warfare on all patentees, is little less than anarchy masquerading in the robes of a professor of ethics.

Dr. Meriam must be aware that every text-book used in Harvard, and all other institutions of learning, are covered with copyrights ; and where the professors have written the books, they draw a revenue from their publishers, besides their salaries, and the students who use the books, pay the publishers, the authors, and the teachers ; which, being interpreted from an ethical standpoint, means “a pledge to learn for all, a pledge to practice for all, and a pledge to teach freely for all. And these three form the foundation of the three liberal professions. A student in law, medicine, or theology, pays liberally for the instruction he receives, for the material he uses, and for the comforts and conveniences incident to college life ; and when he at last goes out into the world to practice what he has acquired through a number of years, he very justly expects to receive a liberal reward for the benefits he is able to confer ; and this is the perquisite of a liberal profession.

Discoveries in anatomy or physiology are not patentable, but by publishing them they can be copyrighted, which answers the same purpose ; and if the copyright does not pay, it is for the want of readers, and not for a want or desire on the part of the author or publisher to profit by it. Nearly all the new and valuable remedies and remedial agents used by the medical profession are covered by trade marks, patents, and proprietary rights ; and some of them nostrums, because they are secret. Instance the following : antipyrine, antifebrine, listerine, celerina, salol, sulphonal, Syr. hypophosphites, troba, tongaline, paromidia, bromidies, fucus marina, bromo caffeina, citrate lithia, gynæcian, chairs, papiur, splints, suspensories, atomizers, syringes, some instruments, and many other useful things used by the profession.

Now, a patented article, whether a compound or an instrument, does not come under the head of *nostrum*. A patent is open to all; it is no secret; and the government gives to the inventor an exclusive right to make and sell, for a term of years, as a recompense for the labor and expense incurred by the inventor, and at the expiration of the time specified, the article or compound becomes the property of the people.

By the publication of the mode of manufacture, either of machinery or the compounds used in medicine or the useful arts, governments secure for the many the material manifestations of the brain-work of the few; and it is with this object in view that every civilized nation has adopted a system of patents. No civilized nation can afford to neglect the inventive genius of her children; for the cultivation of such genius is sure to end in the enrichment of the many. It is safe to say that mankind were not properly fed until the mechanic turned his attention to the wants of the agriculturist, and the government encouraged every original and improved creation of the mechanic's brain, and, by this happy combination, our agricultural interests have increased a thousand fold. With this great increase in the production of the necessities of life, everything pertaining to the welfare of man has advanced with equal pace; and the liberal professions form no exception to the rule in the benefits derived from this original source.

"From the stomach comes the dance," is an old Spanish proverb; it may not be Emersonian or Baconian, and may be repugnant to the feelings of a man who belongs to a liberal profession, but it is nevertheless true; if a member of a liberal profession doubts the truth of this, let him practice in a community that has no surplus, and he will soon realize that liberal actions are not so much to be admired when we know all the motives from which they spring.

Under the head "Of the duties of physicians to each other and the profession at large," in the code of medical ethics recommended by the American Medical Association, held in the city of Philadelphia, in the month of May, 1847, section 4 states that it is "equally derogatory to professional character for a

physician to hold a patent for any surgical instrument or medicine; or to *dispense* a secret nostrum, whether it be the composition or exclusive property of himself or others." So, according to this rule, if a physician by superior knowledge, close observation and skill in chemical manipulation, discovers a method of obtaining the active principles from crude material, and by his keen perception of the character of disease is enabled to counteract its baneful influence by his discovered remedy, and consents to accept the government's proposition to publish it to the world, receiving the government's protection for a few years as a reward, he, for this agreement with the government, according to section 4, must be kicked out of a medical society.

Happily, section 4 has never been enforced, except in flagrant cases of charlatanism. I have been an honorary member of two medical societies for nearly twenty-seven years, and during that period only four cases for unprofessional conduct appear on the records of these two societies. Three out of the four were not sustained, and in none of them were the charges preferred for using proprietary or trade-marked remedies; yet, it was patent to the eye of everyone connected in any manner with the profession, that these proprietary and trade-marked remedies were in constant use; for, like good physicians, they used anything and everything that would alleviate the sufferings of their fellow man, without consulting the code of ethics to see if the remedy conformed to the rule laid down in section 4.

The section referred to in the code of ethics denounces a property or patent-right, and holds it derogatory to professional character to either hold a patent on an instrument, or dispense a remedy that is protected by law: the result is that many physicians have become pharmaceutical chemists, or have become connected with drug houses, either directly or indirectly; directly, by becoming part owners, and indirectly, by furnishing formulas which are trade-marked or patented by the drug houses and sold to the medical profession through their local druggists. These remedies, prepared by competent men and made public through the patent office, are better, being more uniform and reliable in their character, than if they had been compounded by

their local druggist from crude material, with limited means for manipulation. Who would, to-day, take a bowl full of peruvian bark tea in order to obtain the effects of a few grains of quinine? yet, a decoction of cinchona was the dose in common use when section 4 of the code was adopted.

It is not necessary, to-day, for a physician to patent a valuable remedy in order to reap the pecuniary benefits he may feel himself entitled to. All that is necessary for him to do is to turn his discovery or invention over to a manufacturing chemist, and the chemist will cover it with a trade mark and divide the profits. A trade mark can cover a secret remedy: it endures for thirty years, and can be renewed for thirty years more.

How can a physician use these exclusive or secret compounds of the manufacturing chemist and support section 4 of the code of ethics which says, "or to dispense a *secret* nostrum, whether it be the composition or exclusive property of himself or others?" But how much worse is it, from a moral point of view, for a man to use these forbidden patent and "*secret*" nostrums, and then denounce the authors of them! "To consecrate the copy and excommunicate the original; to idolize the golden image and spit at Nebuchadnezzar," is, to say the least, a very slippery species of righteousness.

About the time the code of ethics was adopted in Philadelphia, I was a student in medicine and received instruction from the lectures of professors, each one occupying a special chair and giving instructions on special subjects; yet, each professor during the lecture season, seldom failed to denounce specialists in the practice of medicine or surgery. This may appear inconsistent, now that we have laws governing the practice of medicine, but at the time I speak of, better advice could not have been given by the professors to the students; for the country was full of advertising quacks and charlatans.

To show the antipathy of the medical profession to specialists, an incident which came under my own observation will serve: A gentleman who had graduated with honor in a reputable school of medicine, concluded to further improve himself by attending a course of lectures at the college of the Bellevue Hospital;

completing his course in this institution, he returned to his home and commenced the practice of the specialty for which he had made ample preparation; his name was presented to the county medical society for membership, but was rejected for the reason that he was a specialist—this was in 1866. The world moves; things have changed; sections have been formed in all medical societies for the accommodation of specialists; and finally, like the last man in a procession, dental and oral surgery has found a place.

Dr. Meriam says that he “read with shame and professional humiliation of a teacher who makes an appliance of a *secret material*, patented.” I will here again remind the doctor that *secret* and *patent* are contradictory terms, a solecism: a nostrum is secret, a patent public. The age in which we live is an age of investigation and invention, and nothing is acceptable at the patent office, or patentable, but which is of a moral and serviceable character. I am not aware that explosive bullets were patented, as the doctor states, but I am aware that they were a very useless projectile in our late war, and the use of them in civilized warfare (if warfare can be so called) proved them a failure; and the object of war is to destroy life, and the quicker and greater the destruction, the quicker the dispute is settled.

The doctor further states, that “according to Blackstone, the government grants a patent in return for such information as, placed on record, will enable others to construct or use the article or process after the period for which its exclusive use was granted has expired; in this way overcoming the tendency of mean natures to conceal information or withhold knowledge from others.” These are not the words of Sir Wm. Blackstone, but the words of Dr. Meriam; and it would be interesting to know how many “*mean natures*” Dr. Meriam was indebted to for the means of transportation from Boston to New York. Blackstone speaks of the infamous monopolies as offenses, in which the subject in general was restrained from the liberty of manufacturing and trading, during the buccaneering age of Bacon and Elizabeth. These infamous monopolies were repealed in the reign of James the First; but patents, granted to authors of new inventions, were retained.

Dr. Meriam seems to be ignorant of the fact that special tools and instruments require special tools to make them, and these tools to make tools, require skillful workmen. I have a small tool, that now appears very simple, that has cost me more trouble, time and thought to perfect, than can ever be realized by anyone but myself. This one tool, with the aid of a skillful mechanic, has cost me in money some eighty odd dollars. I expect, with the aid of special machinery, to place it in the hands of the profession, when made in quantities, for six or eight dollars; much less than a single one could be made for by an expert. Dr. Meriam shall have the privilege at any time to take this tool to the workman of his choice and have one made for his own use; I own the patent, but will waive all rights in favor of any member of our profession who may feel desirous of having a little practical experience in having single instruments or tools made by expert workmen.

The doctor speaks of Alvin Clark, in connection with mathematical instrument makers. Now, Alvin Clark was not a mathematical instrument maker; he left his farm when forty years old and became an amateur in the production of lenses, and by a patent from his creator, a diploma that is beyond the power of colleges to bestow, he produced the best defining lenses in existence. Of course, telescopes are not patentable articles, and if they were, the paucity of their demand would render a patent superfluous. Most mathematical instruments were in existence long before patent laws, but if Dr. Meriam will call at Queen's, in Philadelphia, or Frost & Adams', in Boston, and examine the many accessories to the microscope and telescope, and all other instruments, he will find all those that are in demand, that are patentable, are patented.

What we most need at the present time, is for some one of the dental profession, well versed in ethics, to produce some one valuable and useful tool—a dental chair, engine, automatic hammer, for instance, that will be superior to any now in use; or a compound that will be equal or superior to gold, that will take the place of gold or any of the plastics now in use for filling teeth, and that will be susceptible of protection by a patent, and

then, after much trouble and expense in its production, give it to the profession, free. But alas, until such a combination of talents and generosity are found in one individual, we must be content to receive lectures on ethics from one source, while we get useful appliances and instruments from another ; and so long as this is the case, there will be a difference of opinions as well as interests.

[TO BE CONTINUED.]

[Reprint from ARCHIVES OF DENTISTRY, September, 1889.]

PART II.

Whenever a man volunteers himself as a witness against his confreres by impugning the motives of their professional conduct, railing at their selfishness and disregard of a clause in the code of medical ethics, stigmatizing the use or obtaining of patents, and denouncing all personal considerations in the practice of a liberal profession as little less than criminal, he holds himself as guiltless in all these things; he puts on the robes of self-righteousness, and for every imputation he casts upon others, he says, in effect, behold, "I am holier than thou."

Owing to the zeal and untiring energy of a few honored members of our own profession, assisted by several prominent members of the medical profession, dentistry was received into the rank and file of the medical profession with other specialties. This long-earned recognition of so recent date is now called in question by Dr. Meriam, who steps out from the ranks, a self-appointed non-commissioned officer and orders the profession to a front face for inspection, and asks the question: "Has the dental profession of to-day the morals and atmosphere that entitle her to be called a liberal, free, learned, or scientific profession, and to rank with divinity, law and medicine?"

This question of Dr. Meriam's was answered in the affirmative at the Ninth International Medical Congress, held in the city of Washington, D. C., in the month of September, 1887; and that congress of medical men settled the question of Dr. Meriam forever, when they published the papers read in the Dental Section in the transactions of the congress; and while this question was being asked by Dr. Meriam, at the Odontological Society of New York, a Hamburg steamer was bringing tidings to the dental profession of this country from Prof. Busch, of Berlin, that the Tenth International Medical Congress, which is to convene in that city, had indorsed the action of the Ninth Medical Congress, by making preparations to receive the dental profession into full fellowship.

In the face of this high authority, that dentistry *is* a specialty

of medicine, Dr. Meriam, in his anxiety to breathe a higher and purer professional atmosphere, questions the wisdom of the International Medical Congress when it created the Section of Dental and Oral Surgery. The doctor sees only a gnat in the Tooth Crown Company, which, like the Rubber Company, was organized by rapacious speculators, unconnected with the dental profession, and discovers a camel in the "patented articles and secret materials" that are used by the profession. I am not aware of any secret materials in use by the dental profession, and if there are any, the dispenser is as much to be censured as the vender.

Dr. Meriam, throughout his whole essay, appears to be incapable of drawing a distinction between a tool or piece of machinery, patented for the purpose of being manufactured in quantity, which afterwards becomes free to all to purchase and to use, and that species of patent that demands an annual royalty, together with a percentage of the fees earned by the operator by his own skill in operating in a certain direction. The doctor loses sight of one important factor in the production of instruments—tools and machinery. Such articles were never properly made until machinery made them. Tools and machinery made in this manner, become articles of commerce, and are made better and are sold cheaper than it would be possible if they were made in any other manner; and the fact of such tools and machinery being patented, does not prevent their being improved by any person, as the doctor seems to think. On the contrary, improvements are always in order at the patent office, and patents are issued for improvements as well as for original inventions.

As bright examples of professional men, the doctor calls attention to the methods of Professors Agassiz, Huxley, Darwin, and others, and hops from one to the other like a bird at the close of day seeking a perch. But these gentlemen were not inventors; they were, and are, investigators of nature—interrogators of nature in their own special fields of inquiry. Prof. Agassiz would not have refused to use a reel and hook in fishing, because they were patented; neither would Prof. Huxley reject an animalcule cage or turning table, because the word patent was stamped upon them; and the reason they would not refuse these

auxiliaries prepared for their use, is because they are leaders in liberal professions.

Liberality is not a one-sided virtue. To be an upright member of a liberal profession, one must give as well as receive; must learn as well as teach. Now, there are men of science whose natural tendencies lead them in the line of invention; they are also interrogators of nature. Such an one was Samuel Finley Breese Morse, A.M., L.L.D., a graduate of Yale, and the inventor of the electro-magnetic telegraph, which he patented. He became a Fellow of many scientific societies, and was honored by mankind in every portion of the civilized world. Among the many series of electric inventions given to the world within the last few years, there are none more marvelous, more prominent, or more useful than those of Prof. Graham Bell, Gray, and Edison; and these eminent physicists patented their inventions, and there are no liberal minded persons, either in or out of the liberal professions, that object to it.

Dr. Meriam must remember that Agassiz, Huxley, Darwin, Draper, Dalton, Carpenter, Dunglison, Flint, and all other writers on medical and scientific subjects, copyrighted their works, or let their publishers do it for them. Dr. Samuel D. Gross usually copyrighted his own productions; and I presume there are few will call in question the quality of the professional atmosphere that surrounded these scientific luminaries. There are a great many scientific works published in the United States that are not copyrighted, but these are usually the productions of foreign authors, who are debarred from copyright here, owing to there being no international copyright. This condition of things give our publishers an advantage which many avail themselves of.

If the following anecdote is true of a religious publishing house, it is fair to presume that a secular publishing house would be less scrupulous: The Rev. Dr. Tulloch, principal of St. Andrew's University, when on a visit to this country, called on a religious book concern in Cincinnati, and, not being known to the firm, asked for the works of Principal Tulloch, which were handed to him by a clerk in waiting. After examining the

works, the doctor asked the clerk if there was much demand for them, and being informed that the edition was nearly exhausted and that a new one would soon be necessary, the doctor remarked that he was willing to take the books and pay for them, but seeing that he was the author, he thought the firm could well afford to present them to him. Upon this, the clerk took the books back to the counting-room and reported to the reverend heads of the "concern" what had transpired in the sales-room. Dr. Tulloch was at once introduced, and was *generously* presented with a package of his own books. As the doctor left the establishment with the package under his arm, he was heard to remark: "I would prefer less of your courtesy and more of your siller, my guid people."

It is humiliating to know that we have a member in our profession, who is also a professor, who has allowed himself to become so agitated over "secret material, patented" that he feels impelled to indite letters to members of the medical profession, setting forth what he considers irregular practices in the dental profession, couched in language that puts the party interrogated on the defensive.

"I wrote to our hospital, in Boston, to know if the clinics there are ever used for the purpose of introducing patent instruments, medicines, or operations, secret or proprietary articles; or if instruments are used there, on which the surgeons receive a royalty or commission from makers owning patents and controlling them; and if such makers are allowed to influence the appointment of operators at clinics; are members of the staff obliged to ask permission of each other for the liberty to improve instruments, and can makers interfere or prevent their doing so?"

The answer of the resident physician of the hospital to these questions was very properly in the negative; and they would have received the same answers had they been addressed to the master or chairman of a committee on clinics of any dental school or society. Had Dr. Meriam written to members of our profession, whose special duty it is to take charge of clinics in our societies, he might have obtained the desired information from the only proper authority, so far as the conduct of dental clinics

are concerned. And this simple act of courtesy was certainly due the dental profession from one of its own members.

Instead of adopting this course, he visits a hospital for children, in Boston, and after asking a number of questions, he unloads his burden of grievances before the surgeon in charge :

“Then I told him the whole story of the shameful, illiberal condition of dental practice ; that instruments ordered could not be delivered, on account of the quarrels and litigation among makers ; that honorable practitioners had been forced, by threats of litigation, to take out licenses to perform operations, and pay a commission on the amount received ; were obliged to allow the company liberty to examine their books ; that I had heard that upwards of a hundred orders for one instrument could not be filled because dentists had sold to makers the power to control instruments their fellow members needed ; that valuable instruments could not be introduced, because patents were thought to cover them, and, by having purchased those, the makers could threaten with litigation anyone who proposed to make them ; that certain instruments were held for lease, and not sold ; that a license and percentage were to be charged for their use, and that this license could be revoked at any time for non-payment. He exclaimed in astonishment : ‘Are you dentists in such a hole as that?’”

The doctor’s complaint is worthy of examination. “That on account of quarrels among instrument makers, instruments could not be delivered to those who had ordered them.” This state of affairs is bad for the manufacturers. The professional man need not take part in the quarrel, but “sit like patience on a monument, and smile at their grief ;” seeing that the existence of instrument makers are the result of professional men, and not the cause.

“That honorable practitioners had been forced to take out licenses to perform operations, etc.” If honorable men doubted the justice of the demand, they could not be forced to take out licenses.

“That a hundred orders could not be filled, because dentists had sold to makers, etc.” Makers of instruments could not

indulge in the luxury of buying the right *not* to manufacture, without suffering the consequences of their folly.

“That valuable instruments could not be introduced because patents were thought to cover them.” If the instruments the doctor speaks of were *really* valuable, there would be no difficulty in finding a maker to manufacture them, for manufacturers, as a rule, are not deterred from manufacturing on mere suppositions of a patent interference; they usually leave such questions of conscience to the courts for decision.

“That certain instruments were held for lease, etc., and the license could be revoked for non-payment.” To revoke a license for breach of contract is certainly a great hardship to a man of liberal views.

When we consider that the surgeon in charge of the children’s hospital, in Boston, was compelled to listen to such a batch of kindergarten complaints, one cannot be surprised that he was driven to the conclusion that the dental profession had dropped into a hole.

Dr. Meriam obtains a letter from the genial author of the “*Autocrat of the Breakfast Table*,” in which Dr. Holmes says “That it is for the dental profession to settle its own status. That dentistry, being largely mechanical, it tempts inventors to seek fortunes through improvements in dental instruments; and the more exactly they exclude owners of money-making contrivances, who patent their inventions, the better will be their claim to be considered a liberal profession.” The invention of valuable dental and surgical instruments, as a rule, have their origin in a profound knowledge of the service they are to perform in the hands of the operator, and are the productions of professional men. There can be no mistake about their origin, whether they bear the name of the inventor or the manufacturer. If they are given to the manufacturer, he will cover them with a trade or proprietary stamp; or by an agreement with the inventor, he can have a patent issued in his own name. There are many articles in use by the general surgeon and by the medical profession, that have found their way through such channels into the hands of the profession. And it is largely through the

aid of the professional man that drug houses and instrument manufacturers have grown to their present dimensions. The wants of professional men increase with their accumulation of knowledge, and the inventive talent and investigative genius of the profession find means to supply their wants ; one patents and the other copyrights the fruits of his industry, in the hope of receiving compensation for his labor. They have spared no expense and devoted much time to their special fields of inquiry, while the large mass of their associates practice their teachings and use their inventions, and receive fees for their services in quiet.

Are these members of a liberal profession to be driven out into the arms of manufacturers and publishers, where they will still continue to take out patents and copyrights? Drive them out, and combinations and stock companies will be multiplied. No liberal profession can afford to treat with contumely its inventive talent. Sections in a code of ethics may outlive their usefulness, but inventive genius never can. Dr. Holmes has said that dentistry is largely mechanical ; this is true, and the same can be said with propriety of the universe. The mechanism of dentistry deals with living tissue ; it is not the mechanism of the shops. Artificial teeth, mounted on plates, cannot be kept in stock like boots and shoes, or the duplicate parts of a threshing machine. A set of artificial teeth cannot be compared with any other artificial device that can be substituted for a lost organ in the living body. A natural tooth has no muscular connection, but is dependent on the surrounding tissue for its mechanical usefulness. A set of artificial teeth must not impinge on the muscles of the face that are attached to the alveoli, and while they are accurately adapted to living tissue, they must meet the requirements of the idiosyncrasies of the individual for whom they are intended. All other applications of artificial devices to the human body, must, of necessity, interfere with muscular action at the site of their application ; hence, the dental surgeon is more successful in restoring a series of useful organs by artificial means, than can be done in any operation in any other branch of surgery.

The dental surgeon, by his skill in the use of instruments adapted for the purpose, is enabled to remove caries from the teeth, and by the use of metal, reconstruct the parts wasted by disease, and restore them again to health and usefulness. This material, used by the dental surgeon to reconstruct the teeth, is furnished by nature, but never used by nature for such a purpose. The teeth are the only bones in the body that are susceptible of such treatment. They are exposed to external influences; they are more liable to injury and decay than other bones, but have no power of reparation; this is owing to the mode of their formation. The calcification of a tooth commences at its circumference and hardens toward the center; the calcification of bone, in the center and hardens toward the circumference. Bone is centrifugal in its formation; tooth, centripetal. The general surgeon, in removing caries of the bone, has to await the healing power of nature to progenerate new bone tissue; whereas the dental surgeon reconstructs the parts at once. Both surgeons operate on the same plan, and use the same mechanical forces, controlled by disciplined fingers that are guided by an intimate knowledge of the parts concerned in the operation.

In orthopædic surgery, the treatment of talipes, or in lateral curvature of the spine, the means to correct the deformities are of the same character as those employed by the orthodontic surgeon in correcting anomalies of the teeth, either of direction or position; or in expanding the maxilla when laterally constricted. Both branches of surgery require, on the part of the operators, a practical knowledge of the mechanical arts to enable them to modify the apparatus furnished them by the manufacturers to meet the requirements, as well as an exact knowledge of that organized collection of mechanical forces, called anatomy.

[TO BE CONTINUED.]

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PART III.

Among the many grievances enumerated by Dr. Meriam, he quotes a passage from the By-Laws of the Dental Trade Association, which if correct is very significant: "*In future, no practicing dentist, not now a dealer, shall be eligible to membership in this Association, or entitled to trade-discounts.*" This article in the By-Laws of the Trade Association, I consider one of the best acts of the Association, so far as the interests of the dental profession are concerned: and it is suggestive of many changes in many directions, that if acted upon by our profession, would contribute largely to needed reforms. But the exclusiveness of the Dental Trade Association is shown by this article in their by-laws; for had it been dictated by a spirit of justice, the following clause would have suggested itself to make it complete: *and any dentist, now a member of this Association, is prohibited from becoming a member or participating in the transactions of any dental society, whatsoever.*

We have a large number of men who are and have been actively engaged in merchandising for a number of years, who may have practiced dentistry formerly, but are, at the present time, merchants, admitted to membership in our societies and permitted to read papers, many of which are laudatory of the merchandise they have for sale. I do not mention this to incite a feeling of retaliation against the Dental Trade Association, for excluding practicing dentists from their deliberations: on the contrary, I think the Trade Association paid the dental profession a deserved compliment, and made a frank acknowledgment that the methods of the merchant are more exclusive in their character than the methods in the practice of a liberal profession. A society of merchants and manufacturers meet to adjust their trade-relations, to discuss the market values of their products, discounts to the dealers who handle their goods, the probable demand for certain articles, reduction in the production of goods, to "steady the market," and the probable outlay and income in dollars and cents. A society of dentists meet to discuss the

potency of things in their relation to disease, and the best methods of restoring lost or diseased organs: the question of compensation for services is never discussed. Dental societies meet, members read their papers and discuss them with open doors; manufacturers and dealers in dental goods receive from executive committees assistance in finding suitable rooms for the display of their goods, and the members of their companies, their clerks and traveling salesmen, are not debarred from being present at the reading of papers, the discussions, or the clinics: and this, because dentistry is a liberal profession.

The American Dental Trade Association has found it expedient to issue a circular-letter to the dental profession, through its president, the purport of which is to persuade the dental profession that they are benefited by its existence, and that it is not "a combination, trust, or pool," but simply designed "to help and not to hinder the advancement of dental science and art." In short, the Trade Association's fondest hope is that the dental profession and the Trade Association will assist each other, just like man and wife. We have the president's word for it that competition actually does exist "*inside the Association*:" that manufacturers fix the retail price on their own goods, and sell to dealers all over the country on the simple agreement that goods shall not be sold for less than the prices fixed by the manufacturers *in the Association*. We are further informed that "the manufacturer can change his prices whenever he chooses, without let or hindrance;" the only stipulation being that he will notify those who are dealing in his goods, that they may conform to the changes.

That a manufacturer is free to make his own rates, either in or out of an association, has never been questioned by anyone; but when manufacturers agree among themselves to set the retail price, as well as the wholesale price, and refuse to sell to dealers who will not submit to be controlled by the manufacturer in their retail business, it becomes a question in which the consumer is deeply interested: for such an association of manufacturers, and retail dealers who submit to their terms, is a combination, a trust, a pool, or a conspiracy against the consumer; and all the

legerdemain of sophistry can never change it. A man purchases a quantity of goods from a manufacturer: they become his property: he seeks his own market: and the locality which he may select wherein to offer his merchandise for sale, may enable him to sell cheaper, with more clear gain, than if he had selected some other locality; and he may be satisfied to sell for a less profit than others. Rents, cost of living, and frugality on the part of the dealer, are all factors governing the retail market-price of merchandise; and it is owing to these circumstances that political economists draw the distinction between the market, or accidental value of commodities, and the intrinsic or natural value, or cost of production.

The Dental Trade Association, speaking through its president, compares itself to the United States Government, when it puts a stop to the unjust discriminations practiced by the common carriers of the country; and it says, with some degree of pride, that, "the American Dental Association undertook, of its own motion, to put a stop to discriminations in their own line of business, and to place all who dealt with its members upon the same plane of honorable and equitable treatment."

We will now examine the main features of the Inter-State Commerce Law, and see if the comparison is justifiable: The law provides that all common carriers must publish the rates, fares and charges, and no advance shall be made without ten days' previous notice; but reductions can be made without previous notice; and whenever such reduction is made, a printed notice must be given immediately and kept for public inspection; and when any common carrier has established and published his rates, it is unlawful for him to receive more or less for passengers or property, than is set forth on the published rates. There is nothing in the Inter-State Commerce Law to prevent a common carrier reducing his rates: all that is required of the carrier is to give ten days' public notice when he desires to increase them; and all other common carriers are not obliged to increase or decrease their rates because one chooses to do so. Competition between railroads, or common carriers, under the law, is not restricted in any sense: one road can carry for noth-

ing from St. Louis to New York, while the rest of the roads can charge various prices for the same service ; but all are required to publish their rates and give ten days' notice to the public when they desire to increase them. The object of the law was to break up private agreements, associations, contracts, combinations, or pools, between two or more companies of common carriers.

The president of the Dental Trade Association has discovered a very unique application for the word discrimination, when he applies it to members of the dental profession who did not buy the dental chair that was sold so cheap through the rivalry of three dealers : it certainly was not discrimination of any kind that induced the three dealers to become rivals in the sale of the chair ; it was rather a want of discrimination on the part of the dealers ; for, during the fever-heat of competition between the rival dealers, any person could have bought the chair, and there could have been no discrimination in favor of or against the purchaser of any chair, afterwards, arising out of that transaction. If the Dental Trade Association, through its president, would use a little more discrimination in the use of words when addressing a liberal profession, his circular letter would have less the appearance of being a shameless perversion of facts. When a company of men engaged in the manufacture and sale of dental goods, form an association for the express purpose of controlling the retail price of their merchandise over a whole continent, and then find it necessary to instruct their president to issue a circular-letter, in the hope of convincing their retail purchasers that their organization was formed to protect the interests of the retail purchaser as much as their own, it is proper that the retail purchaser should inform the Association that he is capable of taking care of himself, and any voluntary proffers of assistance from interested parties will always be viewed with suspicion. It is clear to the most ordinary intellect that if the Dental Trade Association pays strict attention to their own business as manufacturers and merchants, they will be more intent on profiting by the dental profession, than the profession will be profited by them.

When a man leaves the dental profession to engage in merchandising, it is because he feels that he is better adapted for trade and traffic, than for a liberal profession: and it is safe to say that, so far as the circumstances surrounding a liberal profession would permit, such men, when in practice, generally made a trade of their profession. When such a man leaves the practice of dentistry for the more congenial pursuits of merchandising in dental goods, he soon realizes that he is a mere tender to the dental locomotive; and, finding himself in this anomalous position, he seeks relief and profit in dental literature; and the result is a dental journal published in connection with his merchandising. This gives him the advantage of advertising his own goods at an inconsiderable expense, and the goods of others for compensation. The reading matter of the journal is largely made up from the transactions of dental societies and the contributions from members of the profession in active practice, and the dental merchant takes charge of the subscription list and retains the profits: another instance of the liberality of the dental profession.

If dabbling in dental literature by the manufacturers and dealers in dental goods would end with journalism, there would be little injury done to the future student in dentistry: but when "the principal dental manufacturing company of this country—or of the whole world" (to use an expression of one of the attaches of the firm), publishes a book in which useful things to the profession, in competition with their own goods, appearing in the same book, are suppressed and others misrepresented, and the firm, after being informed of the fact, recommends the book editorially as a text-book, such a firm becomes as great an embarrassment to the progress of the dental profession, as deafness is to the current of conversation: but without the same reasonable excuse. A recent correspondence with the head of this firm, in regard to the book in question, convinces me that the mind of the dental merchant must ever wander from that which is of the most importance to the dental profession to that which is of the first importance to himself: *the condition of his ledger*; and it is not a question of honesty, but of selfish bias.

"I'll no say men are villains a';
The real harden'd wicked.
Wha hae nae check but human law,
Are to a few restricked;
But, oeh! mankind are unco weak.
An' little to be trusted;
If *self* the wavering balance shake.
It's rarely right adjusted."

As a corroborant to these statements, I cannot do better than to quote a few passages from a paper read before the Mississippi Valley Dental Association, at a meeting held at Cincinnati, Ohio, March 7th, 1888, by Dr. W. Storer How, an attache of the S. S. White Dental Manufacturing Company: the title of the paper was, "Professional Patents;" and as long as he confined his discourse to the justice of the claims of the inventor to government protection, there was nothing offensive in the paper; but when he devotes two pages of adulation to the house he is connected with, unmindful of the existence of other manufacturers and other business dental journals in the United States, it furnishes one of the most remarkable instances of infatuation for self-interest on record. A few extracts from the doctor's essay will be sufficient: "There need be no hesitation in the use of superlatives when speaking of the sterling qualities of the men who control this great concern; they reflect honor upon the profession which they have sedulously sought to promote, and have been largely instrumental in advancing to its present proud position among the noble and learned professions." "It is furthermore to be said that the president of the White house, as editor of the *Dental Cosmos*, has rendered inestimable service to dentists and the dental profession during his connection with and conduct of that journal from its beginning, thirty years ago. What is implied in the personal supervision of three hundred and sixty monthly issues of a journal whose every page was to be and has been resolutely kept free of matter not related to dentistry, nor expressed in good, clean English, no one can know but the inflexible, faithful and thoroughly competent editor. What the profession and the world knows, is that the *Dental Cosmos* is an honor to dentistry, to journalism, and to the profes

sional business men who have made and kept it foremost and highest."

In this exalted frame of mind, Dr. How sees nothing but sublimity in the methods of dental merchandising and dental journalism, as conducted by the "great house" with which he is connected, and becomes impressed with a desire to elevate the dental profession to the same level: "Will it not be an ascent to a higher plane of thought and action for 'doctors' (teachers) to teach that professional honor is not a cloudy abstraction, nor a clannish distinction, nor an exclusive assumption; and that, in particular, a doctor of medicine or surgery is a person called to and trained in the professional business of the readjustment and repair of disordered human bodies for a *cash* consideration, due and to be paid upon the completion of the service?" In asking this question, Dr. How sinks as far below as Dr. Meriam soars above a true conception of what constitutes a liberal profession.

When a merchant is sick, or suffering, he is not considered a fit subject to drive a bargain with; he is conscious of this, and stays away from the exchange; he is not in a mercantile condition ("prime case"), so goes or sends for his physician, and gives himself up for treatment: there is no contract entered into, no contest of bargain and sale; he surrenders himself into the hands of his physician, without reserve for treatment; he has no desire to be informed of the quality, quantity, or cost of the ingredients contained in the prescription handed to him by his physician, but receives it with all the confidence of dependent childhood. Upon his recovery, he is truly grateful, and he feels that the services rendered are not to be estimated by a "cash consideration;" he looks upon his physician as his benefactor, and presents him his fee, more as a reward of merit than a "cash consideration for the completion of services." A favor from a brother merchant might place him under an obligation, but would never inspire his gratitude. The obligation he could return in kind; but not that he owes his physician, and he is, therefore, grateful. He would not feel offended, or less grateful to his physician for speaking of him as one of his patients; but if his brother merchant spoke of the favor he conferred, he

would very justly resent it as an intended injury: and this is one reason why the practice of medicine, in all its branches, is called honorable.

“To John I owe some obligation;
But John unluckily thinks fit
To publish it to all the nation,
So John and I are more than quilt.”

As the smallest number of mankind are rich, and the largest number may be divided into those that are in moderate circumstances and those who are poor, and as all are subject to disease and accident, it follows that a doctor's fees are governed by these conditions. Discrimination in fees is, therefore, constant and necessary; whereas, discrimination in merchandising, if indulged in to any extent, would be ruinous. A doctor's first care is the good of his patient, regardless of his fees. A merchant's first care is his cash-book. A doctor is no more legally bound to give his services for nothing, than a merchant is to give his merchandise; but public opinion—custom which is stronger than statute-law—says that a doctor who can help a poor man, and will not without a fee, has less of humanity than a poor ruffian who robs and maims a rich man, to supply his necessities. Public opinion says, with truth, that it is something monstrous to contemplate a man of liberal education tearing out the bowels of a poor family by taking, for one visit, what would keep them in food for one week: and this is why public opinion calls medicine, with all its specialties, a liberal profession. Public opinion can never be changed by manufacturing, wholesaling, retailing doctors, no more than it can be influenced by professional dandyism.

